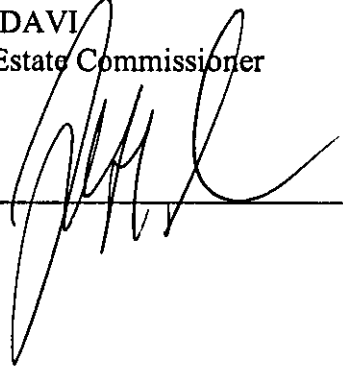


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I have given due consideration to this matter, and I find no good cause to reconsider the Decision. Reconsideration is hereby denied.

IT IS HEREBY ORDERED 1-21-10

JEFF DAVIS
Real Estate Commissioner



FILED

DEC - 3 2009

DEPARTMENT OF REAL ESTATE

By K. Max

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	
)	NO. H-10613 SF
JOHN NAPOLEON ROMERO,)	
)	OAH No. 2009030436
Respondent.)	
)	

ORDER STAYING EFFECTIVE DATE

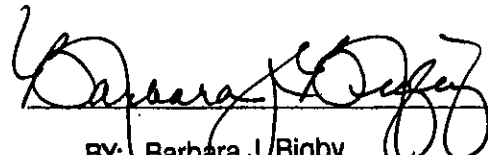
On November 18, 2009, a Decision was rendered in the above-entitled matter to become effective on December 10, 2009.

On November 24, 2009, Respondent requested a stay for the purpose of filing a petition for reconsideration of the Decision of November 18, 2009.

IT IS HEREBY ORDERED that the effective date of the Decision is stayed for a period of thirty (30) days. The Decision of November 18, 2009, shall become effective at 12 o'clock noon on January 19, 2010.

DATED: 12/3, 2009.

JEFF DAVI
Real Estate Commissioner


BY: Barbara J. Bigby
Chief Deputy Commissioner

FILED

NOV 19 2009

DEPARTMENT OF REAL ESTATE

By K. Mat

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

JOHN NAPOLEON ROMERO,

Respondent.

DRE No. H-10613 SF

OAH No. 2009030436

DECISION AFTER REJECTION

This matter came on for hearing before Steven C. Owyang, Administrative Law Judge, Office of Administrative Hearings, State of California, in Oakland, California, on May 27, 2009.

Richard K. Uno, Counsel, represented the Complainant. David R. Medlin, Attorney at Law, represented Respondent, John Napoleon Romero.

Evidence was received, the record was closed, and the matter was submitted.

On June 11, 2009, the Administrative Law Judge rendered a Proposed Decision (hereinafter "the Proposed Decision") which the Real Estate Commissioner declined to adopt as his Decision herein. Pursuant to Section 11517 of the Government Code of the State of California, Respondent was served with notice of the Real Estate Commissioner's determination not to adopt the Proposed Decision along with a copy of the Proposed Decision. Respondent was notified that the case would be decided by the Real Estate Commissioner upon

1 Respondent has thus far complied with the terms of his probation, including
2 completion of a multiple offender drinking under the influence program and performance of
3 community service. He remained on probation at the time of the hearing.

4 4. Respondent's offense occurred early in the morning of January 14, 2005. A
5 California Highway Patrol officer in a marked patrol vehicle observed Respondent's black
6 BMW sport utility vehicle traveling southbound on the Golden Gate Bridge at a high rate of
7 speed and passing all traffic. The officer took radar speed readings that showed
8 Respondent's vehicle traveling at 64 and 62 miles per hour in a posted 45 mile per hour zone.
9 The officer and his partner conducted a traffic stop and noticed the odor of alcohol in
10 Respondent's vehicle. The officer asked Respondent to exit his vehicle and observed that
11 prior to exiting the vehicle Respondent opened a tin of Altoids chewing gum and place a
12 couple of pieces of the gum in his mouth. The officer observed Respondent exit his vehicle
13 and walk with an unsteady gait. While speaking with Respondent, the officer smelled
14 alcohol on Respondent's breath and person. The officer administered field sobriety tests and
15 took Respondent into custody. Respondent underwent a breath test that showed .09 percent
16 alcohol levels.

17
18 In a December 12, 2008 conviction detail report to the Department, Respondent
19 provided details of his offense as follows:

20 I was giving my brother a ride home late at night. Was pulled over
21 for driving 55 mph in a 45 mph. Tested for alcohol. I was .09 and
22 arrested.

23 A question on the conviction detail report asked, "Do you wish to offer an explanation
24 as to why you committed this crime?" Respondent checked "Yes" and wrote, "I was not
25 impaired." At hearing, Respondent maintained that he was not impaired to the point of being
26 unable to drive.

27 ///

1 5. On June 12, 2002, in the Superior Court of California, County of San Mateo,
2 Respondent was convicted, on his guilty plea, of a violation of Vehicle Code section 23152,
3 subdivision (a) (driving under the influence of alcohol), a misdemeanor that is substantially
4 related to the qualifications, functions and duties of a real estate licensee. Imposition of
5 sentence was suspended and Respondent was placed on court probation for three years under
6 terms and conditions that included service of two days in the county jail, payment of fines
7 and fees of approximately \$1,251, completion of a first offender drinking driver program,
8 and a 90-day restriction on his driving privilege. Complainant alleged this conviction as a
9 matter in aggravation.

10 6. No police report regarding the offense that led to the June 12, 2002
11 conviction is in evidence. In his conviction detail report to the Department, Respondent
12 stated that the offense occurred on January 20, 2002, and provided the following details:

13 I drove from my home 1½ miles to return a video. The store was
14 closed. As I walked back to my car, police came up to me and
15 questioned me and tested me for alcohol. I was .10 so I was
16 arrested.

17 The conviction detail report asked, "Do you wish to offer an explanation as to why you
18 committed this crime?" Respondent checked "Yes" and wrote, "I was not impaired."

19 7. Respondent completed the first offender drinking driver program required by his
20 probation. A May 15, 2009 letter from attorney Brian H. Getz is in evidence as administrative
21 hearsay. Getz attests that, as Respondent's attorney in Respondent's 2002 criminal case,
22 Respondent successfully completed probation.

23 8. At the time of his offenses, Respondent was responsible for the care of his
24 parents, who were in extremely poor health. He took them to see doctors, oversaw ambulance
25 calls, and dealt with their hospital and hospice care. These were stressors that may have
26 contributed to Respondent's offenses. His parents have since passed away.

1 9. Respondent submitted an application for renewal of his real estate broker license
2 on August 22, 2008. Vincent Lew, Respondent's business partner, testified he, Lew, completed
3 the application for Respondent's broker license renewal. Question 4 on the application asked,
4 "Within the six-year period prior to filing this application, have you been convicted of a
5 misdemeanor or felony? Convictions expunged under Penal Code section 1203.4 must be
6 disclosed. However, you may omit traffic citations which do not constitute a misdemeanor or
7 felony." The answer provided to Question 4 was "No." Respondent signed the application and
8 certified under penalty of perjury that the answers and statements given in the application were
9 true and correct. In so doing, Respondent failed to disclose the convictions set forth in Factual
10 Findings 3 and 5.

11 10. At the March 25, 2009 annual shareholder meeting of the Resource Mortgage
12 Corporation, the corporation implemented new license renewal procedures that required all
13 forms to be prepared by the broker or officer and double-checked by the office controller before
14 filing.

15 11. Gerald P. Girouard is a licensed real estate broker and the President of Girouard
16 Properties. He has used Respondent's services many times over the past 15 years. He considers
17 Respondent to be honest, hard-working, and attentive to his clients. Girouard is aware of
18 Respondent's convictions, and feels that the convictions have not compromised Respondent's
19 ability to conduct his real estate practice.

20 12. Respondent testified that he no longer drinks alcohol. He does not consider
21 himself an alcoholic.

22 13. Respondent testified that he is a member of a mounted patrol that assists
23 with search and rescue efforts in San Mateo County. He has volunteered in a
24 marriage/planned parenthood program in the Mexican community in Half Moon Bay.
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LEGAL
CONCLUSIONS

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3 1. Under Business and Professions Code sections 490 and 10177, subdivision
4 (b), the Commissioner may suspend or revoke the license of a real estate licensee who has
5 been convicted of a crime. Respondent's September 20, 2007 conviction was a crime
6 substantially related to the qualifications, functions and duties of a real estate licensee. (Cal.
7 Code Regs., tit. 10, § 2910, subd. (a)(8) (unlawful act with intent or threat of substantial
8 injury).) Cause exists to revoke or suspend Respondent's license pursuant to sections 490
9 and 10177, subdivision (b).¹

10 2. Respondent's failure to disclose his criminal convictions, even if not
11 intentional, was a material misstatement of fact. Cause exists to deny his license renewal
12 application and to suspend or revoke his license pursuant to sections 480, subdivision (c),
13 and 10177, subdivision (a).

14 3. The Department's regulations set forth criteria for evaluating the rehabilitation
15 of a licensee. (Cal. Code Regs., tit. 10, § 2912.) Respondent avers that he no longer drinks
16 alcohol and that he is involved in community service activities. No corroboration of these
17 statements was offered at the hearing. He is well-regarded by a broker with whom he does
18 business. There was no showing that Respondent's offenses negatively affected his practice
19 of real estate. On the other hand, fewer than two years have elapsed since Respondent's
20 September 2007 conviction. He remains on probation. There was no showing that his
21 convictions have been expunged. Of concern is that Respondent's account of his 2005
22 offense varied considerably from that provided by the California Highway Patrol officer.
23 Respondent's assertion that he was not impaired in either offense demonstrates that he has
24 not taken full responsibility for his offenses.
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¹ Unless otherwise noted, all statutory references are to the Business and Professions Code.

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ORDER

All licenses and licensing rights of Respondent John Napoleon Romero under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Profession Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.
4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

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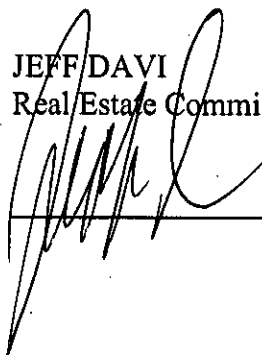
5. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

1. That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
2. That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

This Decision shall become effective at 12 o'clock noon on DEC 10 2009

IT IS SO ORDERED 11-18-09

JEFF DAVI
Real Estate Commissioner



FLAG

FILED

JUL 10 2009

DEPARTMENT OF REAL ESTATE

By K. Mat

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	}	
JOHN NAPOLEON ROMERO,		NO. H-10613 SF
Respondent.		OAH NO. 2009030436

NOTICE

TO: JOHN NAPOLEON ROMERO, Respondent,
and DAVID R. MEDLIN, his Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated June 11, 2009, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated June 11, 2009, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on May 27, 2009, and any written argument hereafter submitted on behalf of Respondent and Complainant.

Written argument of Respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of May 27, 2009, at the Sacramento office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

JOHN NAPOLEON ROMERO,

Respondent.

Case No. H-10613 SF

OAH No. 2009030436

PROPOSED DECISION

Administrative Law Judge Steven C. Owyang, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on May 27, 2009.

Richard K. Uno, Counsel, represented complainant E.J. Haberer, Deputy Real Estate Commissioner, State of California.

David R. Medlin, Attorney at Law, represented respondent John Napoleon Romero, who was present.

The matter was submitted on May 27, 2009.

FACTUAL FINDINGS

1. Complainant E.J. Haberer, Deputy Real Estate Commissioner, issued the first amended accusation in his official capacity.
2. Respondent John Napoleon Romero holds a real estate broker license issued by the department. Respondent is a shareholder of the Resource Mortgage Corporation. According to the department's certification of respondent's license history, respondent's broker license was renewed as of November 30, 2008.
3. On September 20, 2007, in the Superior Court of California, County of Marin, respondent was convicted, following a jury trial, of a violation of Vehicle Code section 23152, subdivision (b) (driving a vehicle while having 0.08 percent or higher blood alcohol), a misdemeanor that is substantially related to the qualifications, functions and duties of a real estate licensee. The jury found respondent not guilty on a count that alleged respondent had violated Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol or drugs). On September 27, 2007, imposition of sentence was suspended and respondent was placed on probation for three years under terms and conditions that included payment of

finest and fees of \$2,190, service of 15 days in the custody of the sheriff, with credit for one day time served, and completion of a drinking driver program.

Respondent has thus far complied with the terms of his probation, including completion of a multiple offender drinking under the influence program and performance of community service. He remained on probation at the time of the hearing.

4. Respondent's offense occurred early in the morning of January 14, 2005. A California Highway Patrol officer in a marked patrol vehicle observed respondent's black BMW sport utility vehicle traveling southbound on the Golden Gate Bridge at a high rate of speed and passing all traffic. The officer took radar speed readings that showed respondent's vehicle traveling at 64 and 62 miles per hour in a posted 45 mile per hour zone. The officer and his partner conducted a traffic stop and noticed the odor of alcohol in respondent's vehicle. The officer asked respondent to exit his vehicle and observed that prior to exiting the vehicle respondent opened a tin of Altoids chewing gum and place a couple of pieces of the gum in his mouth. The officer observed respondent exit his vehicle and walk with an unsteady gait. While speaking with respondent, the officer smelled alcohol on respondent's breath and person. The officer administered field sobriety tests and took respondent into custody. Respondent underwent a breath test that showed .09 percent alcohol levels.

In a December 12, 2008 conviction detail report to the department, respondent provided details of his offense as follows:

I was giving my brother a ride home late at night. Was pulled over for driving 55 mph in a 45 mph. Tested for alcohol. I was .09 and arrested.

A question on the conviction detail report asked, "Do you wish to offer an explanation as to why you committed this crime?" Respondent checked "Yes" and wrote, "I was not impaired." At hearing, respondent maintained that he was not impaired to the point of being unable to drive.

5. On June 12, 2002, in the Superior Court of California, County of San Mateo, respondent was convicted, on his guilty plea, of a violation of Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol), a misdemeanor that is substantially related to the qualifications, functions and duties of a real estate licensee. Imposition of sentence was suspended and respondent was placed on court probation for three years under terms and conditions that included service of two days in the county jail, payment of fines and fees of approximately \$1,251, completion of a first offender drinking driver program, and a 90-day restriction on his driving privilege. Complainant alleged this conviction as a matter in aggravation.

6. No police report regarding the offense that led to the June 12, 2002 conviction is in evidence. In his conviction detail report to the department, respondent stated that the offense occurred on January 20, 2002, and provided the following details:

I drove from my home 1 ½ miles to return a video. The store was closed. As I walked back to my car, police came up to me and questioned me and tested me for alcohol. I was .10 so I was arrested.

The conviction detail report asked, "Do you wish to offer an explanation as to why you committed this crime?" Respondent checked "Yes" and wrote, "I was not impaired."

7. Respondent completed the first offender drinking driver program required by his probation. A May 15, 2009 letter from attorney Brian H. Getz is in evidence as administrative hearsay. Getz attests that, as respondent's attorney in respondent's 2002 criminal case, respondent successfully completed probation.

8. At the time of his offenses, respondent was responsible for the care of his parents, who were in extremely poor health. He took them to see doctors, oversaw ambulance calls, and dealt with their hospital and hospice care. These were stressors that may have contributed to respondent's offenses. His parents have since passed away.

9. Respondent submitted an application for renewal of his real estate license on August 22, 2008. Respondent's business partner, Vincent Lew, completed the form. Question 4 on the application asked, "Within the six-year period prior to filing this application, have you been convicted of a misdemeanor or felony? Convictions expunged under Penal Code section 1203.4 must be disclosed. However, you may omit traffic citations which do not constitute a misdemeanor or felony." Lew was unaware of respondent's convictions and answered "No" to Question 4. Respondent signed the application and certified under penalty of perjury that the answers and statements given in the application were true and correct. In so doing, respondent failed to disclose the convictions set forth in Factual Findings 3 and 5.

10. At the March 25, 2009 annual shareholder meeting of the Resource Mortgage Corporation, the corporation implemented new license renewal procedures that required all forms to be prepared by the broker or officer and double-checked by the office controller before filing.

11. Gerald P. Girouard is a licensed real estate broker and the President of Girouard Properties. He has used respondent's services many times over the past 15 years. He considers respondent to be honest, hard-working, and attentive to his clients. Girouard is aware of respondent's convictions, and feels that the convictions have not compromised respondent's ability to conduct his real estate practice.

12. Respondent avers that he no longer drinks alcohol. He does not consider himself an alcoholic.

13. Respondent is a member of a mounted patrol that assists with search and rescue efforts in San Mateo County. He has volunteered in a marriage/planned parenthood program in the Mexican community in Half Moon Bay.

LEGAL CONCLUSIONS

1. Under Business and Professions Code sections 490 and 10177, subdivision (b), the commissioner may suspend or revoke the license of a real estate licensee who has been convicted of a crime. Respondent's September 20, 2007 conviction was a crime substantially related to the qualifications, functions and duties of a real estate licensee. (Cal. Code Regs., tit. 10, § 2910, subd. (a)(8) (unlawful act with intent or threat of substantial injury).) Cause exists to revoke or suspend respondent's license pursuant to sections 490 and 10177, subdivision (b).¹

2. Respondent's failure to disclose his criminal convictions, while perhaps not intentional, was a material misstatement of fact. Cause exists to deny his license renewal application and to suspend or revoke his license pursuant to sections 480, subdivision (c), and 10177, subdivision (a).

3. The department's regulations set forth criteria for evaluating the rehabilitation of a licensee. (Cal. Code Regs., tit. 10, § 2912.) Respondent avers that he no longer drinks alcohol. He is involved in community service activities. He is well-regarded by a broker with whom he does business. There was no showing that respondent's offenses negatively affected his practice of real estate. On the other hand, fewer than two years have elapsed since respondent's September 2007 conviction. He remains on probation. There was no showing that his convictions have been expunged. Of concern is that respondent's account of his 2005 offense varied considerably from that provided by the California Highway Patrol officer. Complainant argues, moreover, that respondent's assertion that he was not impaired in either offense demonstrates that he has not taken full responsibility for his offenses. Complainant requests that respondent's license be suspended and made subject to probationary conditions. This is a reasonable disciplinary order. Complainant did not argue that respondent's license renewal application should be denied outright.

ORDER

All licenses and licensing rights of respondent John Napoleon Romero under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to Business and Professions Code section 10156.5 if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this decision. The restricted license issued to respondent shall be subject to all of the provisions of Business and Professions Code section 10156.7 and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that code:

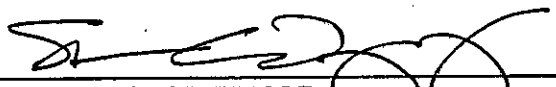
¹ Unless otherwise noted, all statutory references are to the Business and Professions Code.

not adopted

not adopted

1. The restricted license issued to respondent may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to respondent may be suspended prior to hearing by order of the Real Estate Commissioner on evidence satisfactory to the commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license or for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this decision.
4. Respondent shall, within nine months from the effective date of this decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.
5. Any restricted real estate license issued to respondent pursuant to this decision shall be suspended for 10 days from the date of issuance of said restricted license.

DATED: June 11, 2025



STEVEN C. OWYANG
Administrative Law Judge
Office of Administrative Hearings

FLAG

1 RICHARD K. UNO, Counsel (SBN 98275)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-2380

FILED

MAY - 4 2009

DEPARTMENT OF REAL ESTATE
By K. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

11	In the Matter of the Accusation of)	
)	
12	JOHN NAPOLEON ROMERO,)	H-10613 SF
)	<u>FIRST AMENDED</u>
13	Respondent.)	<u>ACCUSATION</u>
14)	

15 The Complainant, E. J. HABERER, II, a Deputy Real Estate Commissioner of the
16 State of California, for cause of Accusation against JOHN NAPOLEON ROMERO, (hereinafter
17 "Respondent"), is informed and alleges as follows:

1

18 Complainant makes this Accusation against Respondent in his official capacity.

2

19 Respondent is presently licensed and/or has license rights under the Real Estate
20 Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code") as a
21 real estate broker. Respondent submitted his application for renewal of his real estate broker
22 license on August 22, 2008.

3

23 In response to question 4 of the Broker Renewal Application, to wit: "Within the
24 six-year period prior to filing this application, have you been convicted of a misdemeanor or
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1 felony? Convictions expunged under Penal Code Section 1203.4 must be disclosed. However,
2 you may omit traffic citations which do not constitute a misdemeanor or felony". Respondent
3 concealed and failed to disclose the convictions describe in Paragraph 4, below.

4 4

5 On or about September 27, 2007, in the Superior Court of the State of California,
6 County of Marin, Case No. CR139773A, Respondent was convicted of violating Section
7 23152(b) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug), a
8 misdemeanor and a crime involving moral turpitude which bears a substantial relationship under
9 Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties
10 of a real estate licensee.

11 MATTERS IN AGGRAVATION

12 5

13 On or about June 12, 2002, in the Superior Court of the State of California,
14 County of San Mateo, Case No. SM317348A, Respondent was convicted of violating Section
15 23152(a) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug), a
16 misdemeanor.

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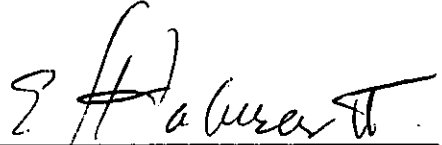
18 The facts alleged in Paragraph 4, above, constitute cause under Section 10177(b)
19 and Section 490 of the Code for suspension or revocation of Respondent's license under the
20 Real Estate Law.

21 7

22 Respondent's failure to reveal in said application the conviction as set forth in
23 Paragraph 4 and 5, above, constitute the procurement of or attempt to procure a real estate
24 license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in
25 said application, which failure is cause for denial of Respondent's application fro a real estate
26 broker's license pursuant to the provisions of Section 480(c) and 10177(a) of the Code.

27 ///

1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a Decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondent under the Code, and for such other
4 and further relief as may be proper under provisions of law.

5
6 

7 E. J. HABERER, II
8 Deputy Real Estate Commissioner

9 Dated at Oakland, California,
10 this 30th day of April, 2009.

1 RICHARD K. UNO, Counsel (SBN 98275)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-2380

FILED

FEB 25 2009

DEPARTMENT OF REAL ESTATE

By K. Max

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 JOHN NAPOLEON ROMERO,) H-10613 SF
13 Respondent.) ACCUSATION
14)

15 The Complainant, JOE M. CARRILLO, a Deputy Real Estate Commissioner of
16 the State of California, for cause of Accusation against JOHN NAPOLEON ROMERO,
17 (hereinafter "Respondent"), is informed and alleges as follows:

18 1

19 Complainant makes this Accusation against Respondent in his official capacity.

20 2

21 Respondent is presently licensed and/or has license rights under the Real Estate
22 Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code") as a
23 real estate broker.

24 3

25 On or about September 27, 2007, in the Superior Court of the State of California,
26 County of Marin, Case No. CR139773A, Respondent was convicted of violating Section
27 23152(b) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug), a

1 misdemeanor and a crime involving moral turpitude which bears a substantial relationship under
2 Section 2910, Title 10, California Code of Regulations, to the qualifications, functions or duties
3 of a real estate licensee.

4 MATTERS IN AGGRAVATION

5 4

6 On or about June 12, 2002, in the Superior Court of the State of California,
7 County of San Mateo, Case No. SM317348A, Respondent was convicted of violating Section
8 23152(a) of the California Vehicle Code (Driving Under the Influence of Alcohol or a Drug), a
9 misdemeanor.

10 5

11 The facts alleged in Paragraph 3, above, constitute cause under Section 10177(b)
12 and Section 490 of the Code for suspension or revocation of Respondent's license under the
13 Real Estate Law.

14 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
15 of this Accusation and that upon proof thereof, a Decision be rendered imposing disciplinary
16 action against all licenses and license rights of Respondent under the Code, and for such other
17 and further relief as may be proper under provisions of law.

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20 JOE M. CARRILLO
21 Deputy Real Estate Commissioner

22 Dated at Sacramento, California
23 this 23 day of February 2009.
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